

REMARKS

Applicant respectfully requests reconsideration of the present application in view of the amendments provided above and in view of the reasons that follow.

Status of Claims:

Claim 2 is currently being canceled.

Claim 3 is currently being amended to include the features of now-canceled claim 2.

Claim 37 is currently being added.

This amendment and reply adds, cancels and amends claims to this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claims remain under examination in the application, is presented, with an appropriate defined status identifier.

After adding, canceling and amending claims as set forth above, claims 1, 3, 5-20 and 22-37 are now pending in this application.

Claim Rejections – Prior Art:

In the Office Action, claims 1-3, 5, 18-20, 22 and 35-36 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,577,172 to Vatland et al. in view of U.S. Patent No. 6,373,585 to Mastie; and claims 6-17 and 23-36 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Vatland et al. in view of Mastie, and further in view of U.S. Patent No. 6,891,632 to Schwartz. These rejections are traversed with respect to the presently pending claims under rejection, for at least the reasons given below.

In its rejection of claim 1, the Office Action asserts that column 6, lines 29-31 of Mastie teaches that an enable file 32 allows the user to specify how much of the printer controller processing cycles are dedicated to a RIPping operation. Irrespective as to whether or not this is true, it is not pertinent to the features recited in claim 1, whereby it is the processing performance of the print client that the RIP distribution control means uses to distribute the raster image processing, and not the processing performance of the printer controller.

The above arguments were provided in the previously-filed response. In the Response to Arguments section of the latest Office Action, it asserts that “Mastie discloses in col. 6, lines 6-43, the printer manager 6 distributed the print data to all available Rippers (see fig. 1). Therefore, it is not the printer controller that is doing the distribution but a print client (printer manager 6) that does the distribution to the printer controllers 8a, 8b and 8c.”

In response to these comments made in the Office Action, please note that claim 1 recites that a RIP distribution control means distributes the raster image processing, and thus it is immaterial as to whether or not Mastie’s printer controller or his print client distributes raster image processing, since: a) neither one of those elements of Mastie corresponds to the claimed RIP distribution control means (which is separate from the print client and the printer controller), and b) this assertion made in the Office Action concerning distribution of raster image processing has nothing at all to do with the features of claim 1 directed to the use of information regarding the processing performance of a print client by the RIP distribution control means to distribute the raster image processing.

Accordingly, presently pending claim 1 is patentable over the cited art of record.

Presently pending independent claim 18 includes features that are similar to the features of claim 1. Thus, claim 18 is also patentable over the cited art of record.

With respect to its rejection of claim 7, the Office Action asserts that Figure 4 of Vatland discloses a plurality of print client members by virtue of its Computer System 70 and Computer System 72. However, claim 7 recites that the selected print client member uses its own RIP function part, thus mandating that each of the print client members have a RIP function part. In Figure 4 of Vatland, on the other hand, only Computer System 72 has a RIP part 136, while Computer System 70 does not have the capability of performing RIP processing.

In the Response to Arguments section of the latest Office Action, it asserts that “Mastie [clearly, the intent was to refer to Vatland] discloses in figures 4 that the system is on a network[,] therefore it is obvious that there are more than just one computer system 72 as shown in figure 4 which has its own RIP function, . . . In regard to the computer system 70 not having its own RIP function[,] it is obvious that since the computer system 72 can have its own RIP part the computer system 70 can obviously has the capability to RIP the print job as

stated in col. 3, lines 41-65 and col. 4 lines 20-24 that a computer system is well known for having a RIP function.”

In response to these comments made in the latest Office Action, claim 7 recites that each of the print client members has a RIP function part. Figure 4 of Vatland clearly shows one computer 72 that does not have a RIP function part. To assert that it would be obvious to have each computer of Vatland’s network to have a RIP function part is erroneous, since: a) Vatland does not contemplate such a thing, and b) it seems clear that Vatland recognizes that certain computers in his network should have more capabilities than other computers in his network. Accordingly, it is submitted that the comments made in the latest Office Action with respect to claim 7 amount to improper hindsight reconstruction of that claim.

Accordingly, since the other cited art of record does not rectify the above-mentioned deficiencies of Vatland, claim 7 is separately patentable over the cited art of record for these additional reasons.

Claim 26 recites features similar to those discussed above with respect to claim 7, and thus claim 26 is also separately patentable over the cited art of record for these additional reasons.

With respect to the rejection of claims 35 and 36, the Office Action asserts that column 7, lines 16-30 of Vatland discloses the features recited in those claims. Applicants respectfully disagree. In claims 35 and 36, a RIP module is downloaded from the printer controller to the print client member, whereby the RIP module is the module that performs RIP processing.

In column 7, lines 16-30 of Vatland, on the other hand, a selected printer provides media and ink information from the printer’s profile information module, whereby a print client can then review that information to adjust for media and ink differences between printers to produce corrected raster image data. No transfer of a RIP module is performed in this portion of Vatland; rather, only print information is provided from a printer to a print client.

It is noted that the above comments provided for claims 35 and 36, which were included in the previously-filed reply, were not addressed at all in the Response to Arguments

section of the latest Office Action, whereby the rejections made for claims 35 and 36 in the latest Office Action appear to be the same as made in the previous Office Action.

Accordingly, claims 35 and 36 are separately patentable over the cited art of record for these additional reasons.

New Claim:

New claim 37 has been added to recite features described on page 33 of the specification, whereby such features are believed to provide a separate basis of patentability for that claim.

Conclusion:

Since all of the issues raised in the final Office Action have been addressed in this Amendment and Reply, Applicants believe that the present application is now in condition for allowance, and an early indication of allowance is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check or credit card payment form being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

Date October 20, 2006

By Phillip J. Articola

FOLEY & LARDNER LLP
Washington Harbour
3000 K Street NW, Suite 500
Washington, D.C. 20007-5143
Telephone: (202) 945-6162
Facsimile: (202) 672-5399

Pavan K. Agarwal
Registration No. 40,888

Phillip J. Articola
Registration No. 38,819